

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

WAYNE M. FOURNERAT,)	
)	
Plaintiff,)	
)	
vs.)	Case No. CIV-09-391-D
)	
WISCONSIN LAW REVIEW, et al.,)	
)	
Defendants.)	

ORDER

Before the Court is the Report and Recommendation [Doc. No. 6] of United States Magistrate Judge Doyle W. Argo, recommending that Plaintiff's application to proceed *in forma pauperis* be denied. Plaintiff, who appears *pro se*, responded to the Report and Recommendation by filing an Application for Leave of Court to file *Nunc Pro Tunc* Motion to Reconsider Due to Error in Notice [Doc. No. 8]. That Motion is GRANTED, and the Court construes Plaintiff's Motion to Reconsider as a timely objection to the Report and Recommendation.¹

The Magistrate Judge recommended denial of the *in forma pauperis* application because Plaintiff did not file it in his name, but referred to himself as "Aberrant Lawyer." In objecting to that recommendation, Plaintiff argues that he did not use his name because of his concerns that doing so will adversely affect his ability to obtain employment; he believes that prospective employers are unlikely to hire former attorneys who have filed multiple lawsuits. Plaintiff is a former lawyer who apparently has filed at least five lawsuits, and he does not want to publicize the filing of this action.

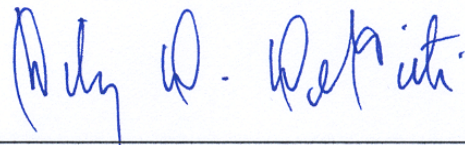
¹Plaintiff notes that the Report and Recommendation was initially mailed to his former address, and subsequently mailed to his current address; as a result, he was unable to respond by the objection deadline set forth in the Report and Recommendation.

The Court finds that Plaintiff's concerns do not warrant allowing him to proceed in this action under an anonymous name. The process of considering *in forma pauperis* applications requires examination of the applicant's financial condition, and the materials submitted in support thereof. As Plaintiff also points out, the style of this action was previously changed to reflect his name.²

Plaintiff also misconstrues the recommended ruling in the Report and Recommendation; he states that the Magistrate Judge recommended this action be dismissed. The Report and Recommendation [Doc. No. 6] does not include a recommended dismissal. Instead, it recommends only that the application to proceed *in forma pauperis* be denied.

Having reviewed the matter *de novo* and having fully considered the arguments of Plaintiff, the Court finds that the Report and Recommendation [Doc. No. 6] should be, and is, adopted. The application to proceed *in forma pauperis* is DENIED. Plaintiff is directed to submit the required filing fee to the Court Clerk within 20 days of the date of this order or this action may be dismissed without prejudice.

IT IS SO ORDERED this 8th day of June, 2009.



TIMOTHY D. DEGIUSTI
UNITED STATES DISTRICT JUDGE

²The case was originally assigned to The Honorable Lee West, who corrected the style of the case to reflect Plaintiff's name rather than "Aberrant Lawyer." [Doc. No. 5].